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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,515	09/16/2003	Hideki Kawabe	2418.60US01	1876

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,515

Applicant(s)

KAWABE ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the locking mechanism and interconnecting member acting as a hinge (claims 4 and 8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the locking mechanism and interconnecting member acting as a hinge (claims 4 and 8) and the interconnecting member acting as a grip for the seat (claims 6, 10 and 15).

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7, 11, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Minai (US Patent 6,345,856, filed on May 12, 2000).

Regarding claim 1, Minai discloses a seat mounting device for a vehicle seat, comprising: at least two locking mechanisms (3A) provided on one of a vehicle seat (S) and a vehicle body, the locking mechanisms (3A) being interconnected via an interconnecting member (2), so as to be synchronously operated with each other, and an engagement member (41) provided on the other of the vehicle seat and the vehicle body (F) and arranged and constructed to be locked by the locking mechanisms (3A), wherein the locking mechanisms (3A) and the engagement

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member (41) are arranged and constructed such that the engagement member (41) can be engaged with or removed from the locking mechanisms (3A) by moving the vehicle seat in one direction (up/down).

Regarding claim 2, Minai discloses a seat mounting device as defined in claim 1, further comprising an operation member (2A) for unlocking the locking mechanisms (3A).

Regarding claims 3 and 7, Minai discloses a seat mounting device as defined in claim 2, wherein the operation member (2A) is attached to the interconnecting member (2).

Regarding claim 11, Minai discloses a seat mounting device for a vehicle seat, comprising: at least one locking mechanism (3A) provided on one of a vehicle seat (S) and a vehicle body, an engagement member (41) provided on the other of the vehicle seat and the vehicle body (F) and arranged and constructed to be locked by the locking mechanism (3A), and an operation member (2) for unlocking the locking mechanism, the operation member comprising a manipulation portion (2A) and an operation portion (2B), wherein the locking mechanism (3A) has a hook (33) that engages the engagement member (41) and a pawl (34) that engages the hook (33) and maintains it in a locking position, and wherein when the operation member (2) is operated, the manipulation portion (2A) is moved relative to the operation portion (2B), thereby disengaging the pawl (34) from the hook (33) and then the operation portion (2A) is moved together with the manipulation portion (2B), thereby moving the hook (33) to an unlocking position.

Regarding claim 12, Minai discloses a seat mounting device as defined in claim 11, wherein the at least one locking mechanism comprises two (3A) or more locking mechanisms.

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Regarding claim 13, Minai discloses a seat mounting device as defined in claim 12, wherein the locking mechanisms (3A) are interconnected via an interconnecting member (2), so as to be synchronously operated with each other.

5. Claims 1-4, 7, 8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. (US Patent 4,978,158).

Regarding claim 1, Kubo et al. disclose a seat mounting device for a vehicle seat, comprising: at least two locking mechanisms (2,3) provided on one of a vehicle seat (1) and a vehicle body, the locking mechanisms (2,3) being interconnected via an interconnecting member (6), so as to be synchronously operated with each other, and an engagement member (8,9) provided on the other of the vehicle seat and the vehicle body (F) and arranged and constructed to be locked by the locking mechanisms (2,3), wherein the locking mechanisms (2,3) and the engagement member (8,9) are arranged and constructed such that the engagement member (8,9) can be engaged with or removed from the locking mechanisms (2,3) by moving the vehicle seat in one direction (up/down).

Regarding claim 2, Kubo et al. disclose a seat mounting device as defined in claim 1, further comprising an operation member (12) for unlocking the locking mechanisms (2,3).

Regarding claims 3 and 7, Kubo et al. disclose a seat mounting device as defined in claim 2, wherein the operation member (12) is attached to the interconnecting member (6).

Regarding claims 4 and 8, Kubo et al. disclose a seat mounting device as defined in claims 1 and 7, wherein the seat comprises a retractable seat (1), and wherein the locking mechanisms (2,3) and the engagement member (8,9) can act as a hinge when the locking mechanisms are in a locking condition, so that the seat can be folded by means of the hinge. The

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locking mechanism of Kubo et al. allow the seat to be pivoted about the engagement member (8,9) therefore the engagement member and the locking mechanism are capable of acting as a hinge.

Regarding claim 11, Kubo et al. disclose a seat mounting device for a vehicle seat, comprising: at least one locking mechanism (2,3) provided on one of a vehicle seat (1) and a vehicle body, an engagement member (8,9) provided on the other of the vehicle seat and the vehicle body (F) and arranged and constructed to be locked by the locking mechanism (2,3), and an operation member (12) for unlocking the locking mechanism, the operation member comprising a manipulation portion (10) and an operation portion (6), wherein the locking mechanism (2,3) has a hook (2,3) that engages the engagement member (8,9) and a pawl (4,5) that engages the hook (2,3) and maintains it in a locking position, and wherein when the operation member (12) is operated, the manipulation portion (10) is moved relative to the operation portion (6), thereby disengaging the pawl (4,5) from the hook (2,3) and then the operation portion (6) is moved together with the manipulation portion (10), thereby moving the hook (2,3) to an unlocking position.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 5, 6, 9, 10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minai.

Regarding claims 5, 9 and 14, Minai discloses the seat mounting device of claims 1, 7 and 11. Minai does not disclose that the locking mechanism is on the vehicle body and the engagement member is on the seat. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the locking mechanism on the vehicle body and the engagement member on the seat, since it has been held that a mere reversal of essential working parts of a device only involves routine skill in the art.

Regarding claims 6, 10 and 15, reversing the parts would inherently make the engagement member be capable of functioning as a grip for handling the seat.

### ***Double Patenting***

9. Applicant is advised that should claim 3 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight



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difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

*Allowable Subject Matter*

10. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other locking mechanisms for vehicle seats.

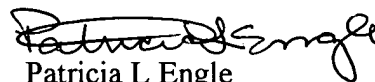
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle

Examiner

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September 28, 2004